IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 22ND JANUARY 2007 / 2ND MAGHA 1928

Crl.MC.No. 4007 of 2006(R)

AGAINST THE JUDGEMENT/ORDER IN BA.6096/2006 Dated 16/10/2006
CRIME NO. 250/06 OF NILESWAR POLICE STATION

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PETITIONER: ACCUSED

RAJESH I.V., H/O. K.RAMA BALA,
KARINGATT HOUSE, PADINHATTAMKOVVAL,
NELESHWAR.

BY ADV. SRI.M.SANTHOSHKUMAR
SRI.A.V.VAMANA KUMAR

RESPONDENTS: COMPLAINANT

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1. S.H.O. NELESHWAR POLICE STATION,
IN CRIME NO.250/06, REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

2. K.P.ASHRAF, S/O. ABDULLA,
SWADAS MANZIL, VEAVERS, COLONY ROAD,
THYKADAPPURAM, NELESHWAR.

R1 BY PUBLIC PROSECUTOR SMT. LATHA
R2 BY ADV. SRI.C.K.SREEJITH

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 22/01/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

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Crl.M.C.No. 4007 of 2006

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Dated this the 22nd day of January, 2007

O R D E R

The petitioner has come to this Court with a prayer that the F.I.R. registered against him under Section 420 I.P.C. may be quashed. Continuance of the investigation in this case works out unnecessary prejudice and hardship to the petitioner. The interests of justice demand that the proceedings must be quashed. There was essentially a civil dispute between the defacto complainant/2nd respondent and the petitioner herein. The complaint was filed alleging offence under Section 420 I.P.C. Investigation is in progress. In the mean time, the parties have settled their disputes. The 2nd respondent, who has entered appearance, confirms that the matter has been settled between the parties. A joint application by the petitioner and the 2nd respondent duly counter signed by their counsel is also filed.

2. Notice is given to the learned Prosecutor and the Prosecutor submits that the State has no objection in the relief being granted to the petitioner. As the investigation is not complete and the

charge sheet has not been filed, the parties are not able to seek permission of the Court to compound the offence under Section 320(2) Cr.P.C.

3. Having considered all the relevant inputs, I am satisfied that this is a fit case where powers under Section 482 Cr.P.C. can be invoked as requested by all concerned and the investigation in the crime can be quashed.

4. This Crl.M.C. is hence allowed. Crime No.250 of 2006 of Nileswer Police Station under Section 420 I.P.C. is hereby quashed.

(R. BASANT)
Judge

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